

2. Argument A was perhaps poorly stated in our previous response. To put it more clearly, the Applicant submits that the phrase "*the digital image manipulating process utilizing the focus settings*" implies that the focus settings generated in the first step of the method are made available for use in the second step. There is no disclosure in Anderson ('175) of the focus settings being made available for use after auto-focussing.

3. In argument B we have submitted that Anderson et al. ('394) does not disclose a system in which focus settings are used for image manipulation. The Examiner has pointed to sections of Anderson et al. ('394) which allegedly disclose the step of "*generating a manipulated output image by applying a digital image manipulating process to the captured focused image*" but he does not point to any disclosure of the feature of "*the digital image manipulating process utilizing the focus settings*." Indeed, the disclosure pointed out by the Examiner at Figure 7 lists a number of steps involved in the Anderson et al. image manipulation process. This list includes:

- (i) Linearization
- (ii) Bad Pixel Replacement
- (iii) White Balance
- (iv) CFA Reconstruction
- (v) Color Transformation
- (vi) YCC Color Space Conversion
- (vii) Sharpening; and
- (viii) JPEG Compression.

Significantly, the utilization of focus settings is not included in this comprehensive list of image manipulation techniques. As such, the Applicant submits that Anderson et al. ('394) does not disclose a system in which focus settings are used for image manipulation. Anderson et al. ('394) therefore does not anticipate claim 5 which includes the feature "*the digital image manipulating process utilizing the focus settings*."

4. Since Anderson ('175) does not disclose a system in which generated focus settings are made available for subsequent use and since Anderson et al. ('394) does not disclose a system in which focus settings are used for image manipulation, the combination of the Anderson citations would not produce a system in which focus settings are generated and

then used for image manipulation. For this reason, the Applicant submits that claim 5 is not anticipated by the Anderson citations.

5. Furthermore, the Applicant notes that Anderson et al. ('394) was granted on 5 December 2000, well after 10 July 1998, the filing date of the present application. Anderson et al. ('394) was therefore not publicly available at the time the present invention was made. As such, the Applicant submits that it would not "*have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in Anderson et al. by the teaching of Anderson ('175)*" since the two documents were not publicly available at the time the invention was made. For this reason the Applicant submits that Anderson et al. ('394) does not form part of the prior art for the purposes of assessing obviousness under 35 U.S.C. 103(a).

#### CONCLUSION

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

Applicant:



---

KIA SILVERBROOK

C/o: Silverbrook Research Pty Ltd  
393 Darling Street  
Balmain NSW 2041, Australia

Email: kia.Silverbrook@silverbrookresearch.com

Telephone: +612 9818 6633

Facsimile: +61 2 9818 6711